IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.713 of 2007
IN
SUIT NO.3014 OF 2006
and NOTICE OF MOTION NO.714 OF 2007
in SUIT NO.3015 OF 2006
M/s Kumar Textile Processors .. Plaintiffs

vs

Amit Anantrai Chhatbar & anr.. Defendants
&
Kotak Mahindra Bank Limited .. Applicant

Mr.V Mannadiar for Applicant
Mr.Sanjay Jain with Mr.Dipesh Siroya i.b L.J.Law for Plaintiff.

CORAM : A.M.KHANWILKAR, J

DATE : 9th April, 2007

P.C.

1. By this motion, third party applicant in substance prays that the consent decree passed by this Court on 27th January, 2007 be set aside for reasons stated in the affidavit in support of the motion. The ground asserted is essentially one of fraud played on Court as well as on the applicant third party. It is not necessary to examine the matter further in view of the assurance given by the counsel appearing for the plaintiff that, in the event the bank takes recourse to proceedings under Securitarisation Act or any such proceedings for recovery of the loan amount from the defendants and action related to the suit properties, in such proceedings, Plaintiff will not press into service the consent decree of the High Court to defend such proceedings or with a view to defeat the claim of

the applicant third party under the loan agreement or provisions of Securitarisation Act as the case may be. Counsel for the plaintiff further states that the plaintiffs will claim rights in respect of the disputed properties only subject to rights of the applicant-bank. The above statements are accepted.

2. In view of above statement, motion by third party applicant is not pressed. The same is disposed of on the above terms.

(A.M.Khanwilkar, J)